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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,087	08/22/2003	Martin Raymond Scott	6770P001	3882

7590 12/18/2007
Lester J. Vincent
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EXAMINER

PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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12/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,087	SCOTT ET AL.	
	Examiner	Art Unit	
	John Pezzlo	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10, 14, 15, 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 11-13, 18, 19, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 17 is objected to because of the following informalities: Claim 17 depends from claim 16 which was cancelled. Examiner assumes claim 17 depends from claim 14 in order to perform an action on the merits. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims 1-4, 8, 10, 14, 15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bleiweiss et al. US 5,970,107) hereinafter Bleiweiss.

1. Regarding claims 1 and 14 – Bleiweiss discloses providing at least some packets with a Remote Timestamp, or information from which a Remote Timestamp can be generated, wherein the Remote Timestamp represents the state of the source TDM clock when the packet is created, providing said at least some packets with a Local Timestamp representing the state of the destination TDM clock when the packet is received, determining a Transit Time value representing the difference between said. Local and Remote Timestamps, filtering the Transit Time value over time, and controlling the clock frequency of the TDM output only on the basis of said filtered Transit Time as determined above and independently from the depth of a packet buffer, refer to Figure 6 and the abstract and column 4 line 65 to column 6 line 44 and column 9 line 5 to column 10 line 16.

2. Regarding claims 2 and 15 – Bleiweiss discloses said Timestamps are based on bit counts at the source and destination TDM clocks, refer to column 8 lines 24 to 52 and column 11 lines 1 to 11.
3. Regarding claim 3 – Bleiweiss discloses a filter is provided to filter said Transit Time value over time, refer to Figure 6 and column 9 line 5 to column 10 line 16.
4. Regarding claims 4 and 17 – Bleiweiss discloses said filter is a first order low pass filter, refer to Figure 6 and column 9 line 5 to column 10 line 16.
5. Regarding claims 8 and 20 – Bleiweiss discloses said Remote Timestamp is calculated at said destination by counting the number of packet payload bits which have been received, refer to Figure 5 and column 7 lines 5 to 62.
6. Regarding claim 10 – Bleiweiss discloses said clock frequency is controlled by a clock control algorithm which ensures that the change in said clock frequency is proportional to the change in the average transit time, refer to Figures 5 and 6 and column 8 line 44 to column 10 line 60.

Allowable Subject Matter

Claims 5-7, 9, 11-13, 18, 19, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 1-4, 8, 10, 14, 15, 17, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building


2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

5 December 2007


JOHN PEZZLO
PRIMARY EXAMINER